

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.2655 OF 2019

(Bhanudas Motiram Talmale Vs. The State of Maharashtra thr. its Secretary,
Co-operation, Marketing Textile and Agriculture, Mumbai and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. N. L. Jaiswal, Advocate for Petitioner.
Mr. N. S. Rao, AGP for Respondents 1 & 3/State.
Mr. V. M. Gadkari, Advocate for Respondent 2.

CORAM: ROHIT B. DEO AND ANIL L. PANSARE, JJ.

DATE: 10th AUGUST, 2022.

The grievance of the petitioner is that despite the order dated 29.05.2018 rendered by the District Deputy Registrar, Co-operative Societies, Nagpur in appeal preferred under Section 9 of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 (APMC Act) whereby the APMC is directed to issue in favour of the petitioner the Vegetable Broker's License, the APMC is refusing to comply with the said order on the premise that an appeal preferred under Section 9-B of the Act is pending before the State Government.

2. We note that the appeal is preferred by APMC in October 2018 along with an application for condonation of delay. Admittedly, there is no stay operating against the order rendered by the first authority.

3. In this view of the matter, the APMC is clearly wrong in refusing to implement the order of the first authority on the premise that appeal is pending with the State Government.

4. However, as an indulgence, we grant the APMC two weeks time to obtain interim order in appeal. We make it clear, that if the order of the first authority is not stayed within the next two weeks, the order shall be implemented on the sixteenth day, without fail.

5. We dispose of the petition, in the aforesaid terms.

(ANIL L. PANSARE, J.)

(ROHIT B. DEO, J.)

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